

S P E E C H
OF
SENATOR DOUGLAS,
OF ILLINOIS,
ON THE
PACIFIC RAILROAD BILL.

DELIVERED IN THE SENATE OF THE UNITED STATES, APRIL 17, 1858.

The Senate having under consideration the bill to authorize the President of the United States to contract for the transportation of the mails, troops, seamen, munitions of war, and all other Government service, by railroad, from the Missouri river to San Francisco, in the State of California—Mr. DOUGLAS said:

Mr. PRESIDENT: I have witnessed with deep regret the indications that this measure is to be defeated at the present session of Congress. I had hoped that this Congress would signalize itself by inaugurating the great measure of connecting the Mississippi valley with the Pacific ocean by a railroad. I had supposed that the people of the United States had decided the question at the last presidential election in a manner so emphatic as to leave no doubt that their will was to be carried into effect. I believe that all the presidential candidates at the last election were committed to the measure. All the presidential platforms sanctioned it as a part of their creed. I believe it is about the only measure on which there was entire unanimity; and it is a very curious fact that the measure which commanded universal approbation—the measure upon which all parties united; a measure against which no man could be found, previous to the election, to raise his voice—should be the one that can receive no support, nor the coöperation of any one party, while disputed measures can occupy the whole time of Congress, and can be carried through successfully. I make no complaint of any political party, nor of any gentleman who opposes this bill; but it did strike me that it was a fact to be noticed, that a measure of this description, so long before the country, so well understood by the people, and receiving such universal sanction from them, should not be carried into effect. If the bill which has been devised by the committee is not the best that can be framed, let it be amended and modified until its objectionable features shall be removed. Let us not make a test question of this particular form of bill or that particular form; of this particular route or that particular route; of the benefits to this section or that section. If there is anything wrong in the details, in the form, in the construction of the bill, let the objectionable features be removed, and carry out the great object of a railroad communication between the Mississippi valley and the Pacific ocean.

Various objections have been raised to this bill, some referring to the route, involving sectional considerations; others to the form of the bill; others to the present time as inauspicious for the construction of such a railroad under any circumstances. Sir, I have examined this bill very carefully. I was a member

of the committee that framed it, and I gave my cordial assent to the report. I am free to say that I think it is the best bill that has ever been reported to the Senate of the United States for the construction of a Pacific railroad. I say this with entire disinterestedness, for I have heretofore reported several myself, and I believe I have invariably been a member of the committees that have reported such bills. I am glad to find that we have progressed to such an extent as to be able to improve on the former bills that have, from time to time, been brought before the Senate of the United States. This may not be perfect. It is difficult to make human legislation entirely perfect; at any rate, to so construct it as to bring about an entire unanimity of opinion upon a question that involves, to some extent, selfish, sectional, and partisan considerations. But, sir, I think this bill is fair. First, it is fair in the location of the route, as between the different sections. The termini are fixed. Then the route between the termini is to be left to the contractors and owners of the road, who are to put their capital into it, and, for weal or for woe, are to be responsible for its management.

What is the objection to these termini? San Francisco, upon the Pacific, is not only central, but it is the great commercial mart, the great concentrating point, the great entrepot for the commerce of the Pacific, not only in the present, but in the future. That point was selected as the western terminus, for the reason that there seemed to be a unanimous sentiment, that whatever might be the starting point on the east, the system would not be complete until it should reach the city of San Francisco on the west. I suggested myself, in the committee, the selection of that very point; not that I had any objection to other points; not that I was any more friendly to San Francisco and her inhabitants than to any other port on the Pacific; but because I believe that to be the commanding port, the large city where trade concentrates, and its position indicated it as the proper terminus on the Pacific ocean.

Then, in regard to the eastern terminus, a point on the Missouri river is selected, for various reasons. One is, that it is central as between the North and South—as nearly central as could be selected. It was necessary to commence on the Missouri river, if you were going to take a central route, in order that the starting point might connect with navigation, so that you might reach it by boats, in carrying your iron, your supplies, and your materials, for the commencement and the construction of the road. It was essential that you should commence at a point of navigation so that you could connect with the seaboard. If you start it at a point back in the interior five hundred or a thousand miles, as it is proposed, at El Paso, from the navigable waters of the Mississippi, it would cost you more money to carry the iron, provisions, supplies, and men to that starting point, than it would to make a road from the Mississippi to the starting point, in order to begin the work. In that case it would be a matter of economy to make a road to your starting point in order to begin. Hence, in my opinion, it would be an act of folly to think of starting a railroad to the Pacific at a point eight hundred or a thousand miles in the interior, away from any connection with navigable water, or with other railroads already in existence.

For these reasons we agreed in the bill to commence on the Missouri river. When you indicate that river, a little diversity of opinion arises as to what point on the river shall be selected. There are various respectable, thriving towns on either bank of the river, each of which thinks it is the exact position where the road ought to commence. I suppose that Kansas City, Wyandott, Weston, Leavenworth, Atchison, Platte's Mouth City, Omaha, De Soto, Sioux City, and various other towns whose names have not become familiar to us, and have found no resting-place on the map, each thinks that it has the exact place where the road should begin. Well, sir, I do not desire to show any preference between these towns, either of them would suit me very well; and we leave it to the contractors to say which shall be the one. We leave the exact eastern terminus open, for the reason that the public interests will be substantially as well served by the selection of the one as the other. It is not so at the western terminus. San Francisco does not occupy that relation to the towns on the Pacific coast that these little towns on the Missouri river do to the country east

of the Missouri. The public have no material interest in the question whether it shall start at the mouth of the Kansas, at Weston, at Leavenworth, at St. Joseph, at Platte's Mouth, or at Sioux City. Either connects with the great lines; either would be substantially central as between North and South. So far as I am concerned, I should not care a sixpence which of those towns was selected as the starting point, because they start there upon a plain that stretches for eight hundred miles, and can connect with the whole railroad system of the country. You can go directly west. You can bend to the north and connect with the northern roads, or bend to the south and connect with the southern roads.

The Senator from Georgia (Mr. IVERSON) would be satisfied, as I understand, with the termini, if we had selected one intermediate point, so as to indicate the route that should be taken between the termini. I understand that he would be satisfied if we should indicate that it should go south of Santa Fé, so as to include as the probable line the Albuquerque route, or the one on the thirty-fifth parallel, or the one south of it. Sir, I am free to say that, individually, I should have no objection to the route indicated by the Senator from Georgia. I have great faith that the Albuquerque route is an exceedingly favorable one; favorable in its grades, in the shortness of its distances, in its climate, the absence of deep snow, and in the topography of the country. While it avoids very steep grades, it furnishes, perhaps, as much of grass, of timber, of water, of materials necessary for the construction and repair of the road, if not more than any other route. As a Northern man, living upon the great line of the lakes, you cannot indicate a route that I think would subserve our interests, and the great interests of this country, better than that; yet, if I expressed the opinion that the line ought to go on that route between the termini, some other man would say it ought to go on Governor Steven's extreme northern route; some one else would say it ought to go on the South Pass route; and we should divide the friends of the measure as to the point at which the road should pass the mountains—whether at the extreme north, at the center, the Albuquerque route, or the further southern one down in Arizona—and we should be unable to decide between ourselves which was best.

I have sometimes thought that the extreme northern route, known as the Stevens' route, was the best, as furnishing better grass, more timber, more water, more of those elements necessary in constructing, repairing, operating, and maintaining a road, than any other. I think now that the preference, merely upon routes, is between the northern or Stevens' route on the one side, and the Albuquerque route on the other. Still, as I never expect to put a dollar of money into the road, as I never expect to have any agency or connection with or interest in it, I am willing to leave the selection of the route between the termini to those who are to put their fortunes, and connect their character, with the road, and to be responsible, in the most tender of all points, if they make a mistake in the selection. But for these considerations, I should have cheerfully yielded to the suggestion of the Senator from Georgia, to fix the crossing point on the Rio Grande river.

But, sir, I am unwilling to lose this great measure merely because of a difference of opinion as to what shall be the pass selected in the Rocky Mountains through which the road shall run. I believe it is a great national measure, I believe it is the greatest practical measure now pending before the country. I believe that we have arrived at that period in our history when our great substantial interests require it. The interests of commerce, the great interests of travel and communication—those still greater interests that bind the Union together, and are to make and preserve the continent as one and indivisible—all demand that this road shall be commenced, prosecuted, and completed, at the earliest practicable moment.

I am unwilling to postpone the bill until next December. I have seen these postponements from session to session, for the last eight or ten years, with the confident assurance every year that at the next session we should have abundance of time to take up the bill and act upon it. Sir, will you be better prepared at the next session than now? We have now the whole summer before us, draw-

ing our pay, and proposing to perform no service. Next December, you will have but ninety days, with all the unfinished business left over, your appropriation bills on hand, and not only the regular bills, but the new deficiency bill; and you will postpone this measure again, for the want of time to consider it then. I think, sir, we had better grapple with the difficulties that surround this question now, when it is fairly before us, when we have time to consider it, and when I think we can act upon it as dispassionately, as calmly, as wisely, as we shall ever be able to do.

I have regretted to see the question of sectional advantages brought into this discussion. If you are to have but one road, fairness and justice would plainly indicate that that one should be located as near the center as practicable. The Missouri river is as near the center and the line of this road is as near as it can be made; and if there is but one to be made, the route now indicated, in my opinion, is fair, is just, and ought to be taken. I have heretofore been of the opinion that we ought to have three roads: one in the centre, one in the extreme south, and one in the extreme north. If I thought we could carry the three, and could execute them in any reasonable time, I would now adhere to that policy and prefer it; but I have seen enough here during this session of Congress to satisfy me that but one can pass, and to ask for three at this time is to lose the whole. Believing that that is the temper, that that is the feeling, and, I will say, the judgment, of the members of both Houses of Congress, I prefer to take one road rather than to lose all in the vain attempt to get three. If there were to be three, of course the one indicated in this bill would be the central; one would be north of it, and another south of it. But if there is to be but one, the central one should be taken; for the north, by bending a little down south, can join it, and the south, by leaning a little to the north, can unite with it too; and our Southern friends ought to be able to bend and lean a little, as well as to require us to bend and lean all the time, in order to join them. The central position is the just one, if there is to be but one road. The concession should be as much on the one side as on the other. I am ready to meet gentlemen half way on every question that does not violate principle, and they ought not to ask us to meet them more than half way where there is no principle involved and nothing but expediency.

Then, sir, why not unite upon this bill? We are told it is going to involve the Government of the United States in countless millions of expenditure. How is that? Certainly not under this bill, not by authority of this bill, not without violating this bill. The bill under consideration provides that when a section of the road shall be made, the Government may advance a portion of the lands, and \$12,500 per mile in bonds on the section thus made, in order to aid in the construction of the next, holding a lien upon the road for the refunding of the money thus advanced. Under this bill it is not possible that the contractors can ever obtain more than \$12,500 per mile on each mile of the road that is completed. It is, therefore, very easy to compute the cost to the Government. Take the length of the road in miles, and multiply it by \$12,500, and you have the cost. If you make the computation, you will find it will come to a fraction over twenty million dollars. The limitation in the bill is, that in no event shall it exceed \$25,000,000. Therefore, by the terms of the bill, the undertaking of the Government is confined to \$25,000,000; and, by the calculation, it will be less than that sum. Is that a sum that would bankrupt the Treasury of the United States?

I predict to you now, sir, that the Mormon campaign has cost, and has led to engagements and undertakings that, when redeemed, will cost more than twenty-five million dollars, if not double that sum. During the last six months, on account of the Mormon rebellion, expenses have been paid, and undertakings have been assumed, which will cost this Government more than the total expenditure which can possibly be made in conformity with the provisions of this bill. If you had had this railroad made you would have saved the whole cost which the Government is to advance in this little Mormon war alone. If you have a general Indian war in the mountains, it will cost you twice the amount called for by this bill. If you should have a war with a European

Power, the construction of this road would save many fold its cost in the transportation of troops and munitions of war to the Pacific ocean, in carrying on your operations.

In an economical point of view, I look upon it as a wise measure. It is one of economy as a war measure alone, or as a peace measure for the purpose of preventing a war. Whether viewed as a war measure, to enable you to check rebellion in a territory, or hostilities with the Indians, or to carry on vigorously a war with a European Power, or viewed as a peace measure, it is a wise policy, dictated by every consideration of public convenience and public good.

Again, sir, in carrying the mails, it is an economical measure. As the Senator from Georgia has demonstrated, the cost of carrying the mails alone to the Pacific ocean for thirty years, under the present contracts, is double the amount of the whole expenditure under this bill for the same time in the construction and working of the road. In the transportation of mails, then, it would save twice its cost. The transportation of army and navy supplies would swell the amount three or four-fold. How many years will it be before the Government will receive back, in transportation, the whole cost of this advance of aid in the construction of the road?

But, sir, some gentlemen think it is an unsound policy, leading to the doctrine of internal improvements by the Federal Government within the different States of the Union. We are told we must confine the road to the limits of the Territories, and not extend it into the States, because it is supposed that entering a State with this contract violates some great principle of State-rights. Mr. President, the committee considered that proposition, and they avoided that objection, in the estimation of the most strict, rigid, tight-laced State-rights men that we have in the body. We struck out the provision in the bill first drawn, that the President should contract for the construction of a railroad from the Missouri river to the Pacific ocean; and followed an example that we found on the statute-book, for carrying the mails from Alexandria to Richmond, Virginia—an act passed about the time when the resolutions of 1798 were adopted, and the report of 1799 was made—an act that we thought came exactly within the spirit of those resolutions. That act, according to my recollection, was, that the Department be authorized to contract for the transportation of the United States mail by four-horse post-coaches, with closed backs, so as to protect it from the weather and rain, from Alexandria to Richmond, in the State of Virginia. It occurred to this committee that if it had been the custom, from the beginning of this Government to this day, to make contracts for the transportation of the mails in four-horse post-coaches, built in a particular manner, and the contractor left to furnish his own coaches and his own horses, and his own means of transportation, we might make a similar contract for the transportation of the mails by railroad from one point to another, leaving the contractor to make his own railroad, and furnish his own cars, and comply with the terms of the contract.

There is nothing in this bill that violates any one principle which has prevailed in every mail contract that has been made, from the days of Dr. Franklin down to the elevation of James Buchanan to the Presidency. Every contract for carrying the mail by horse, from such a point to such a point, in saddle-bags, involves the same principle. Every contract for carrying it from such a point to such a point in two-horse hacks, with a covering to protect it from the storm, involves the same principle. Every contract to carry it from such a point to such a point in four-horse coaches of a particular description, involves the same principle. You contracted to carry the mails from New York to Liverpool in ships of two thousand tons each, to be constructed according to a model prescribed by the Navy Department, leaving the contractor to furnish his own ships, and receive so much pay. That involves the same principle.

You have, therefore, carried out the principle of this bill in every contract you have ever had for mails, whether it be upon the land or upon the water. In every mail contract you have had, you have carried out the identical principle involved in this bill—simply the right to contract for the transportation of the United States mails, troops, munitions of war, army and navy supplies, at

fair prices, in the manner you prescribed, leaving the contracting party to furnish the mode and means of transportation. That is all there is in it. I do not see how it can violate any party creed; how it can violate any principle of State-rights; how it can interfere with any man's conscientious scruples. Then, sir, where is the objection?

If you look on this as a measure of economy and a commercial measure, the argument is all in favor of the bill. It is true, the Senator from Massachusetts has suggested that it is idle to suppose that the trade of China is to center in San Francisco, and then pay sixty dollars a ton for transportation across the continent by a railroad to Boston. It was very natural that he should indicate Boston, as my friend from Georgia might, perhaps, have thought of Savannah, or my friend from South Carolina might have indicated Charleston, or the Senator from Louisiana might have indicated New Orleans. But I, living at the head of the great lakes, would have made the computation from Chicago, and my friend from Missouri would have thought it would have been very well, perhaps, to take it from St. Louis. When you are making this computation, I respectfully submit you must make the calculation from the sea-board to the center of the continent, and not charge transportation all the way from the Atlantic to the Pacific; for suppose you do not construct this road, and these goods come by ship to Boston, it will cost something to take them by railroad to Chicago, and a little more to take them by railroad to the Missouri river, half-way back to San Francisco again. If you select the center of the continent, the great heart and center of the Republic—the Mississippi valley—as the point at which you are to concentrate your trade, and from which it is to diverge, you will find that the transportation to it by railroad would not be much greater from San Francisco than from Boston. It would be nearly the same from the Pacific that it is from the Atlantic; and the calculation must be made in that point of view. There is the center of consumption, and the center of those great products that are sent abroad in all quarters to pay for articles imported. The center of production, the center of consumption, the future center of the population of the continent, is the point to which, and from which, your calculation should be made.

Then, sir, if it costs sixty dollars per ton for transportation from San Francisco to Boston by railroad, half-way you may say it will cost thirty dollars a ton. The result, then, of coming from San Francisco to the center by railroad, would be to save transportation by ship from San Francisco to Boston, in addition to the railroad transportation into the interior.

But, sir, I dissent from a portion of the gentleman's argument, so far as it relates to transportation even from San Francisco to Boston. I admit that heavy articles of cheap value and great bulk, would go by ship, that being the cheapest mode of communication; but light articles, costly articles, expensive articles, those demanded immediately, and subject to decay from long voyages and delays, would come directly across by railroad, and what you would save in time would be more than the extra expense of the transportation. You must add to that the risk of the tropics, which destroys many articles, and that process which is necessary to be gone through with to prepare articles for the sea-voyage, is to be taken into the account. I have had occasion to witness that evil in one article of beverage very familiar to you all. Let any man take one cup of tea that came from China to Russia overland, without passing twice under the equator, and he will never be reconciled to a cup of tea that has passed under the equator. The genuine article, that has not been manipulated and prepared to pass under the equator, is worth tenfold more than that which we receive here. Preparation is necessary to enable it to pass the tropics, and the long, damp voyage makes as much difference in the article of tea as the difference between a green apple and a dried apple, green corn and dried corn, sent abroad. So you will find it to be with fruits; so it will be with all the expensive and precious articles, and especially those liable to decay and to injury, either by exposure to a tropical climate, or to the moisture of a long sea-voyage.

Then, sir, in a commercial point of view, this road will be of vast importance. There is another consideration that I will allude to for a moment. It will extend our trade more than any other measure that you can devise, certainly more

than any one that you now have in contemplation. The people are all anxious for the annexation of Cuba so soon as it can be obtained on fair and honorable terms—and why? In order to get the small, pitiful trade of that Island. We all talk about the great importance of Central America, in order to extend our commerce; it is valuable to the extent it goes. But Cuba, Central America, and all the islands surrounding them, put together, are not a thousandth part of the value of the great East India trade that would be drawn first to our western coast, and then across to the valley of the Mississippi, if this railroad be constructed. Sir, if we intend to extend our commerce; if we intend to make the great ports of the world tributary to our wealth, we must prosecute our trade eastward or westward, as you please; we must penetrate the Pacific, its islands, and its continent, where the great mass of the human family reside—where the articles that have built up the powerful nations of the world have always come from. That is the direction in which we should look for the expansion of our commerce and of our trade. That is the direction our public policy should take—a direction that is facilitated by the great work now proposed to be made.

I care not whether you look at it in a commercial point of view, as a matter of administrative economy at home, as a question of military defense, or in reference to the building up of the national wealth, and power, and glory; it is the great measure of the age—a measure, that in my opinion has been postponed too long—and I frankly confess to you, that I regard the postponement to next December to mean, till after the next presidential election. No man hopes or expects, when you have not time to pass it in the early spring, at the long session, that you are going to consider it at the short session. When you come here at the next session, the objection will be that you must not bring forward a measure of this magnitude, because it will affect the political relations of parties, and it will be postponed then, as it was two years ago, to give the glory to the incoming Administration, each party probably thinking that it would have the honor of carrying out the measure. Hence, sir, I regard the proposition of postponement till December, to mean till after the election of 1860.

I desire to see all the pledges made in the last contest redeemed during this term, and let the next President, and the parties under him, redeem the pledges and obligations assumed during the next campaign. The people of all parties at the last presidential election decreed that this road was to be made. The question is now before us. We have time to consider it. We have all the means necessary, as much now as we can have at any other time. The Senator from Massachusetts intimates that the treasury being bankrupt now, we cannot afford the money. That Senator also remarked that we were just emerging from a severe commercial crisis—a great commercial revulsion—which had carried bankruptcy in its train. If we have just emerged from it, if we have passed it, this is the very time of all others when a great enterprise should be begun. It might have been argued when we saw that crisis coming, before it reached us, that we should furl our sails and trim our ship for the approaching storm; but when it has exhausted its rage, when all the mischief has been done that could be inflicted, when the bright sun of day is breaking forth, when the sea is becoming calm, and there is but little visible of the past tempest, when the nausea of sea-sickness is succeeded by joyous exhilaration, inspired by the hope of a fair voyage, let men feel elated and be ready to commence a great work like this, so as to complete it before another commercial crisis or revulsion shall come upon us.

Sir, if you pass this bill no money can be expended under it until one section of the road has been made. The surveys must be completed, the route must be located, the land set aside and surveyed, and a section of the road made, before a dollar can be drawn from the treasury. If you pass the bill now, it cannot make any drain on the treasury for at least two years to come; and who doubts that all the effects of the late crisis will have passed away before the expiration of those two years.

Mr. President, this is the auspicious time, either with a view to the interests of the country, or to that stagnation which exists between political parties,

which is calculated to make it a measure of the country rather than a partisan measure, or to the commercial and monetary affairs of the nation, or with reference to the future. Look upon it in any point of view, now is the time; and I am glad that the Senator from Louisiana has indicated, as I am told he has, that the motion for postponement is a test question; for I confess I shall regard it as a test vote on a Pacific railroad during this term, whatever it may be in the future. I hope that we shall pass the bill now.

S P E E C H
OF
SENATOR DOUGLAS, OF ILLINOIS,
ON THE
KANSAS-LECOMPTON CONSTITUTION,
AND THE REPORT OF THE
COMMITTEE OF CONFERENCE.

DELIVERED IN THE SENATE OF THE UNITED STATES, APRIL 29, 1858.

The Senate having resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 161) for the admission of the State of Kansas into the Union—Mr. DOUGLAS said:

Mr. PRESIDENT: I have carefully examined the bill reported by the committee of conference as a substitute for the House amendment to the Senate bill for the admission of Kansas, with an anxious desire to find in it such provisions as would enable me to give it my support. I had hoped that, after the disagreement of the two Houses upon this question, some plan, some form of bill, could have been agreed upon, which would harmonize and quiet the country, and reunite those who agree in principle and in political action on this great question, so as to take it out of Congress. I am not able, in the bill which is now under consideration, to find that the principle for which I have contended is fairly carried out. The position, and the sole position, upon which I have stood in this whole controversy, has been that the people of Kansas, and of each other Territory, in forming a constitution for admission into the Union as a State, should be left perfectly free to form and mould their domestic institutions and organic act in their own way, without coercion on the one side, or any improper or undue influence on the other.

The question now arises, is there such a submission of the Lecompton constitution as brings it fairly within that principle? In terms, the constitution is not submitted at all; but yet we are told that it amounts to a submission, because there is a land grant attached to it, and they are permitted to vote for the land grant, or against it; and, if they accept the land grant, then they are required to take the constitution with it; and, if they reject the land grant, it shall be held and deemed a decision against coming into the Union under the Lecompton constitution. Hence it will be argued in one portion of the Union that this is a submission of the constitution, and in another portion that it is not. We are to be told that submission is popular sovereignty in one section, and submission in another section is not popular sovereignty.

Sir, I had hoped that when we came finally to adjust this question, we should have been able to employ language so clear, so unequivocal, that there would have been no room for doubt as to what was meant, and what the line of policy was to be in the future. Are these people left free to take or reject the Lecompton constitution? If they accept the land grant, they are compelled to take it. If they reject the land grant, they are out of the Union. Sir, I have

no special objection to the land grant as it is. I think it is a fair one, and if they had put this further addition, that if they refused to come in under the Lecompton constitution with the land grant, they might proceed to form a new constitution, and that they should then have the same amount of lands, there would have been no bounty held out for coming in under the Lecompton constitution; but when the law gives them the six million acres in the event they take this constitution, and does not indicate what they are to have in the event they reject it, and wait until they can form another, I submit the question whether there is not an inducement, a bounty held out to influence these people to vote for the Lecompton constitution?

It may be said that when they attain the ninety-three thousand population, or the population required by the then ratio—which may be one hundred and twenty thousand—and form a constitution under it, we shall give them the same amount of land that is now given by this grant. That may be so, and may not. I believe it will be so; and yet in the House bill, for which this is a substitute, the provision was that they should have this same amount of land, whether they came in under the Lecompton constitution, or whether they formed a new constitution. There was no doubt, no uncertainty left in regard to what were to be their rights under the land grant, whether they took the one constitution or the other. Hence that proposition was a fair submission, without any penalties on the one side, or any bounty, or special favor, or privilege on the other to influence their action. In this view of the case, I am not able to arrive at the conclusion that this is a fair submission, either of the question of the constitution itself, or of admission into the Union under the constitution and the proposition submitted by this bill.

Again, sir, there is a further contingency. In the event that they reject this constitution, they are to stay out of the Union until they shall attain the requisite population for a member of Congress, according to the then ratio of representation in the other House. I have no objection to making it a general rule that Territories shall be kept out until they have the requisite population. I have proposed it over and over again. I am willing to agree to it and make it applicable to Kansas if you will make it a general rule. But, sir, it is one thing to adopt that rule as a general rule and adhere to it in all cases, and it is a very different, and a very distinct thing, to provide that if they will take this constitution, which the people have shown that they abhor, they may come in with forty thousand people, but if they do not, they shall stay out until they get ninety thousand; thus discriminating between the different character of institutions that may be formed. I submit the question whether it is not Congressional intervention, when you provide that a Territory may come in with one kind of constitution with forty thousand, and with a different kind of constitution, not until she gets ninety thousand, or one hundred and twenty thousand? It is intervention with inducements to control the result. It is intervention with a bounty on the one side and a penalty on the other. I ask, are we prepared to construe the great principle of popular sovereignty in such a manner as will recognize the right of Congress to intervene and control the decision that the people may make on the question.

The great principle for which we have all contended, in the language of the Kansas-Nebraska act, is to leave "the people perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." If you hold out large grants, and pecuniary inducements, to influence the affirmative vote, and the terror of staying out of the Union to influence the negative vote, I submit the question, whether that people are left perfectly free to form and regulate their institutions? I insist that where there are inducements on one side, and penalties on the other, there is no freedom of election. The election must be free. The electors must be left unbiased by the action of the government, if you are going to have fair elections, and a fair decision.

For these reasons I do not think that this bill brings the question within that principle which I have held dear, and in defense of which I have stood here for the last five months, battling against the large majority of my political friends, and in defense of which I intend to stand as long as I have any association or connection with the politics of the country. I must repeat, sir, that I

do not think this brings it within the principle thus laid down, nor do the Democracy of Illinois think this bill comes within that principle. We have recently held a State convention. Public meetings were held in ninety-eight of the one hundred and odd counties. In ninety-seven of these counties resolutions were passed indorsing the course of the delegation in Congress upon this question. In one county the opposite policy was sustained. That was the county of Lake, a county where the Republicans have an overwhelming majority—perhaps ten or twenty to one over the Democrats, and where there were just Democrats enough to hold the post office and the custom-house, and to fill the light-houses. That one county was carried by the Lecompton men, twenty-seven of them in number, I think; the other ninety-seven counties were being carried by the anti-Lecompton men, and in nearly all of them by a unanimous vote. That convention, representing the entire State, embodied more of the eminent and distinguished men—men of weight, of character, moral, political, and social, than any convention ever assembled in the State. That convention which thus assembled a few days ago passed resolutions, and among them was one upon this point which I will read. After defining and indorsing the principle of popular sovereignty, the sixth resolution declares:

“Resolved, That a fair application of these principles requires that the Lecompton constitution should be submitted to a direct vote of the actual inhabitants of Kansas, so that they may vote for or against that instrument, before Kansas shall be declared one of the States of this Union; and until it shall be ratified by the people of Kansas at a fair election held for that purpose, the Illinois Democracy are unalterably opposed to the admission of Kansas under that constitution.”

I will furnish to the reporter the whole series, and ask him to incorporate them into the report, as furnishing the platform upon which the Illinois Democracy stand, and by which I intend to abide.

“Colonel McClernand, from the committee to prepare resolutions for the consideration of the convention, made the following report; which was read, and, on motion, each resolution was separately read and unanimously adopted:

“1. *Resolved*, That the Democratic party of the State of Illinois, through their delegates in general convention assembled, do reassert and declare the principles avowed by them as when, on former occasions, they have presented their candidates for popular suffrage.

“2. *Resolved*, That they are unalterably attached to, and will maintain inviolate, the principles declared by the national convention at Cincinnati in June, 1856.

“3. *Resolved*, That they avow, with renewed energy, their devotion to the Federal Union of the United States, their earnest desire to avert sectional strife, their determination to maintain the sovereignty of the States, and to protect every State, and the people thereof, in all their constitutional rights.

“4. *Resolved*, That the platform of principles established by the national Democratic convention at Cincinnati, is the only authoritative exposition of Democratic doctrine, and they deny the right of any power on earth, except a like body, to change or interpolate that platform, or to prescribe new and different tests; that they will neither do it themselves nor permit it to be done by others, but will recognize all men as Democrats who stand by and uphold Democratic principles.

“5. *Resolved*, That in the organization of States, the people have a right to decide at the polls upon the character of their fundamental law, and that the experience of the past year has conclusively demonstrated the wisdom and propriety of the principle, that the fundamental law, under which the Territory seeks admission into the Union, should be submitted to the people of such Territory for their ratification or rejection at a fair election to be held for that purpose; and that, before such Territory is admitted as a State, such fundamental law should receive a majority of the legal votes cast at such election; and they deny the right, and condemn the attempt, of any convention, called for the purpose of framing a constitution, to impose the instrument formed by them upon the people against their known will.

"6. *Resolved*, That a fair application of these principles requires that the Lecompton constitution should be submitted to a direct vote of the actual inhabitants of Kansas, so that they may vote for or against that instrument; before Kansas shall be declared one of the States of this Union; and until it shall be ratified by the people of Kansas at a fair election held for that purpose, the Illinois Democracy are unalterably opposed to the admission of Kansas under that constitution.

"7. *Resolved*, That we heartily approve and sustain the manly, firm, patriotic, and Democratic position of S. A. DOUGLAS, ISAAC N. MORRIS, THOMAS L. HARRIS, AARON SHAW, ROBERT SMITH, and SAMUEL S. MARSHALL, the Democratic delegation of Illinois in Congress, upon the question of the admission of Kansas under the Lecompton constitution; and that, by their firm and uncompromising devotion to Democratic principles, and to the cause of justice, right, truth, and the people, they have deserved our admiration, increased, if possible, our confidence in their integrity and patriotism, and merited our warm approbation, our sincere and hearty thanks, and shall receive our earnest support.

"8. *Resolved*, That in all things wherein the national Administration sustain and carry out the principles of the Democratic party as expressed in the Cincinnati platform, and affirmed in these resolutions, it is entitled to, and will receive, our hearty support."

There the Democracy of Illinois, assembled in convention under the circumstances which I have stated, have, by a unanimous voice, declared that this constitution must be submitted to a direct vote of the people on its ratification or rejection, and that Kansas must never come in under it unless, on such a direct vote, at a fair election, the people shall decide in favor of admission under it. Under these circumstances, it will be seen that I stand now, as I have stood during the whole session, with the Democracy of my own State, firmly, immovably, in favor of that great principle of popular sovereignty, which leaves the people perfectly free either to take the Lecompton constitution, or to have such other one as they may choose to make.

I have had appeals made to me from political friends, whom I respect and esteem, imploring me to yield this great principle on this question, in consideration of so many concessions being made on the other side. Some of that glorious band of Democrats who have been acting with me on this question during the session, have felt it their duty thus to yield, believing, as they think, that they have secured a substantial triumph in this great contest. Sir, I desire no personal triumph. I have not stood here for five months in conflict with men with whom I have acted a whole lifetime, struggling for a personal triumph. Hence, because they have made concessions, that fact ought not to change my course, unless those concessions are of such a nature as to give me the principles for which I contend.

If the object was to prove that the Lecompton men had backed down, and abandoned their original ground, I could parade the fact that, at the opening of this session, we were told that Kansas must come in under the Lecompton constitution unconditionally, or else that four States would secede from the Union. It was then to be an unconditional admission. After a while, upon reflection, upon investigation, the conclusion was arrived at that it was wise to put a clause in the bill in some way recognizing the right of the people of that State to change their constitution before 1864, although, according to my construction of its terms, it prohibited any change until that period. Here was a concession made, a great concession, a concession which I never could have made, on whichever side of the question I may have been, for the reason that I do not believe that Congress have any right to alter or construe authoritatively a State constitution.

It was not satisfactory to me to have Congress, in pursuance of the recommendation of the President, intervene and recognize, by any implication, the right of the people to change their State constitution in a manner different from that prescribed in the instrument itself. I deny the right of Congress to exercise any such power. I deny the right of Congress to intervene; and authoritatively construe the constitution of a State. If the constitution was their act and deed; if it embodied their will—it was sacred, and it ought not to be touched by Congress in any respect whatever, except to receive it uncondition-

ally, or reject it unconditionally. That concession was made; but still it did not reach the point which I had felt it my duty to make. It did not come to my principle. I do not claim that Senators are under any more obligation to come to me than I am to go to them. I claim the right to determine for myself, according to my own judgment and my own conscience, what my duty is to a great fundamental principle; and if Senators cannot bring the bill within the principle, I must exercise my right and duty of dissenting from it. I did not think that concession brought it within the principle, or obviated any of my objections. It only made the bill more obnoxious to me by violating another principle equally sacred in our political system—that of the sovereignty of the States.

Next came the declaration that the free-State Legislature was elected; and hence, if Kansas was forced into the Union with a pro-slavery constitution, against the will of her people, it would not last long, for the reason that there was a free-State Legislature, who would immediately take steps to change it and abolish slavery. That argument did not address itself favorably to my judgment, for the reason that it did not affect the principle involved. What difference did it make, so far as the principle was concerned, whether there was a majority of free-State men or a majority of pro-slavery men in that Legislature? What difference did it make to me, whether there was a majority of Democrats, or a majority of Republicans, or a majority of Americans in that Legislature, provided they were fairly and honestly elected? If the people of Kansas desired a pro-slavery Legislature, they had a right to it. If they desired a Republican Legislature, they had a right to it. If they desired an American Legislature, they had a right to it. If they desired a Legislature purely Democratic, elected without reference to the question of slavery, it was their right to select such a one; and, sir, it was the duty of Mr. Calhoun to declare those elected who had received a majority of the legal votes, fairly and honestly returned. The declaration of that result could not change the principle involved in this discussion, for the great principle was, shall that people be left perfectly and entirely free to form and regulate their own institutions in their own way?

These various concessions could not control votes enough to carry the bill. What next? Then comes a disagreement between the two Houses of Congress. The Senate insisting upon the bill which it had passed for the admission of Lecompton unconditionally, except what is called the Pugh-Green amendment; and the House insisting on the bill which it had passed as a substitute, known as the Crittenden-Montgomery bill. This committee of conference provide for a question of submission to the people, but what do they submit? The chairman of that committee of conference, the Senator from Missouri, [Mr. GREEN,] has informed you that the constitution is not submitted; the Senator from Virginia, [Mr. HUNTER,] who was his colleague on the committee, has informed you that the constitution is not submitted; and I believe both of them have added that they would not vote for the bill if the constitution was submitted. I understand that similar declarations have been made in the other House of Congress by the members of the committee of conference there, showing that this was their understanding and their construction of the bill.

Then, if the constitution is not submitted; if the people are not allowed to vote for it or against it, freely, without a bounty on the one side or a penalty on the other, how can it be said that it comes within that great principle of popular sovereignty which, I insist, ought to be carried out in all the Territories? It is no answer to this objection to tell me that because men have conceded so much, I ought to concede. No matter how many and how great their concessions are, if they have not conceded the principle for which I contend, I cannot take what they propose. It is not for me to say whether these concessions are right or wrong, whether they are wise or unwise. It is enough for me that the principle for which I insist has not been clearly and distinctly recognized in this bill. I dislike the indirection by which the submission is proposed to be made—made to depend on a land grant. In order to enable the people of Kansas to reject the Lecompton constitution, you compel them to vote against a land grant, which every man, woman, and child in the Territory would desire to have. You will not allow them to take the land grant unless they take the

constitution with it, and you will not allow them to proceed immediately and make a new constitution, with the same population, and have the same land grant, if they reject this. If you did that, then the principle would be fairly carried out; but unless you do allow that to be done, I insist that the principle is violated.

Now, Mr. President, I can say to you very frankly, that if there were two amendments made to this bill, although it would still be somewhat objectionable in its equivocal features, I could and would take great pleasure in giving it my support. One would be to strike out the land grant altogether, and the other to strike out the limitation as to population. Then the simple question presented to the people would be, will you come in under the Lecompton constitution or not? and if you do not, you may proceed immediately, with the same population, to make a new constitution. In that there would be perfect fairness; there would be no Congressional intervention with its inducements to control the results. Or, if you wanted to leave the land grant in, why not make it applicable to the new constitution as well as the old one, as the Crittenden amendment did? Then they would get the same amount of land under the one as the other. In other words, if you wish to make this proposition fair, you must give Kansas the same land, under any new constitution she may form, as you do under this one, and you must allow her to come in with the same population under the one as under the other constitution. Then there would be fairness, then there would be equality.

I appeal to my friend from Virginia to know whether he, as a Southern man, desires to see the principle of Congressional intervention to control and influence the voting of the people carried out hereafter in the admission of new States? The time may come when the case will be reversed. The time may come when there will be an anti-slavery majority in both Houses of Congress. When that time comes, it may so happen that a bill may be brought forward with a land grant of ten million acres for a free State, and five million for a slave State; or allowing a free State to come in with a population of forty thousand, and providing that a slave State shall not come in without ninety thousand. Would our Southern friends regard that as being a fair interpretation of the principle of popular sovereignty? Would they not say that was the most dangerous and unconstitutional system of intervention that was ever devised, when the Federal Government steps into the Territories, and by its bounties on one side, and its penalties on the other, attempts to influence and control the action of the people?

I do not regard this as a matter of much consequence to Kansas; I do not believe there is enough in this bounty, or enough in this penalty, to exercise any material influence upon the people of Kansas in this election; but it involves the great fundamental principle, it involves the principle of freedom of election, and it involves the great principle of self-government, upon which our institutions rest. With all the anxiety that I have had to be able to arrive at a conclusion in harmony with the overwhelming majority of my political friends in Congress, I could not bring my judgment or conscience to the conclusion that this was a fair, impartial, and equal application of the principle.

There is another objection to this proposition, one that looks badly upon its face. I take it for granted that it was intended to be fair and just; but it gives cause for apprehension, and will generate suspicion among the people that the election under it will not be, and cannot be, fair. I allude to the provision as to the board of commissioners. By the bill framed by the eminent Senator from Kentucky, and passed by the House of Representatives, there was to be a board of four commissioners to superintend the election on the constitution; two representing the people of the Territory, being the presiding officers of the two branches of the Legislature; the other two representing the Federal Government, being the Governor and Secretary, appointed by the President and the Senate. In that way, two commissioners would necessarily be of one class of politics, and the other two of another class of politics. Under that state of the case, it is not probable that unfairness would have been perpetrated in the election. Under that board, as prescribed by the Senator from Kentucky, you would have the assurance, from the very law itself, that one-half of the judges

of election would belong to one party, and one half to the other; that one half of the clerks would belong to one, and one half to the other.

But how is it when you add a fifth member to the board, and provide that the board shall consist of five, the two presiding officers of the Legislature, and then the Governor, Secretary, and the district attorney, making three United States officers, and declare that three shall constitute the board? Is it not clear that if these three gentlemen choose, they can have all the judges of election and all the clerks of election and all the returning officers of one class of political faith, the same as Mr. Calhoun did at the elections which took place on the 21st of December and the first Monday of January? Does not the change in this respect give ground for apprehension that you may have the Oxford, the Shawnee, and the Delaware Crossing and Kickapoo frauds reenacted at this election? I should have been better satisfied if it had been left as the House bill left it, with the four commissioners, two from each political party in Kansas, two representing the Federal Government, two representing the people of the Territory, requiring three to be a quorum, thus rendering it impossible for partisan politics to control the action of the board. The very fact that it was deemed necessary or wise to change this feature, is to me a serious objection to this proposition.

Then, sir, what is my duty upon this question, under this state of the case? I have but one line of duty, and that is to vote against the bill; because, in my opinion, there is not a fair submission to the people under such circumstances as to insure an unbiased election and fair returns. I have indicated two amendments, which, if they had been made, would have enabled me to support this bill, notwithstanding other defects in it. I will indicate another. I am willing to subscribe to the principle that a Territory shall contain the requisite population for a member of Congress before admission, provided it is made a general law. The Senator from Ohio [Mr. Pugh] yesterday cited me as authority for that provision of this bill. He referred to my report, as chairman of the Committee on Territories, and the bill accompanying it, in 1856, in which I then provided that Kansas might proceed to form a constitution when she had the requisite population, to wit: ninety-three thousand four hundred and twenty, under the present ratio. That was my judgment then of the true rule upon the subject. He quotes also a proposition that I have brought in at this very session as a substitute for the Arizona bill, providing a general law that no Territory shall ever form a constitution and State government until it has the requisite population for a member of Congress. I am for that proposition now; and if Senators will consent to any arrangement by which you can strike out the whole of this bill, and, in lieu of it, insert a provision that neither Kansas, nor any other Territory of the United States, shall proceed to form a constitution and State government for admission into the Union until it has the requisite population for a member of Congress, according to the existing Federal ratio, I will give it my support.

But, sir, if I require it in Kansas, I wish to require it in other Territories; and if I am to apply that limitation to the new constitution that is to be made, I wish to apply it to the one that is in existence. I am not willing to prescribe one ratio to one kind of constitution, and another ratio to another kind. Make it uniform, and it can have my support. I have on all proper occasions indicated that as the proper rule—in 1856, as the Senator from Ohio proved; at this session again, as he proved yesterday by reading the bill offered by me; and I repeat now that, if you will strike out all of this bill but the clause that Kansas shall not come in until she has the requisite population for a member of Congress, and then say that this section is incorporated into and made part of the organic law of each of the Territories of the United States, and that none shall come for admission until they have that population, I will give it my support.

In other words, Mr. President, I desire to carry out the principle of leaving the people to decide for themselves in perfect fairness. I will support no rule applicable to the North that does not apply to the South. I will make no rule applicable to the South that I am not willing to apply to the North. I will not intervene either for slave constitutions or against slave constitutions by an act of Congress, holding out bounties on the one side or penalties on the other.

Stand on the great principle of equality; leave each State on an exact footing with every other State; never inquire whether her institutions are of this character or that character; never inquire whether the State is in the North or in the South, and I will stand with you and apply the rule with exact justice and impartiality in every instance.

Mr. President, I say now, as I am about to take leave of this subject, that I never can consent to violate that great principle of State equality, of State sovereignty, of popular sovereignty, by any discrimination, either in the one direction or in the other. My position is taken. I know not what its consequences will be personally to me. I will not inquire what those consequences may be. If I cannot remain in public life, holding firmly, immovably, to the great principle of self-government and State equality, I shall go into private life, where I can preserve the respect of my own conscience under the conviction that I have done my duty and followed the principle wherever its logical consequences carried me.

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S P E E C H
OF
SENATOR DOUGLAS, OF ILLINOIS,
ON THE
KANSAS-LECOMPTON CONSTITUTION,
AND THE REPORT OF THE
COMMITTEE OF CONFERENCE.

DELIVERED IN THE SENATE OF THE UNITED STATES, APRIL 29, 1853.

The Senate having resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 161) for the admission of the State of Kansas into the Union—Mr. DOUGLAS said:

Mr. PRESIDENT: I have carefully examined the bill reported by the committee of conference as a substitute for the House amendment to the Senate bill for the admission of Kansas, with an anxious desire to find in it such provisions as would enable me to give it my support. I had hoped that, after the disagreement of the two Houses upon this question, some plan, some form of bill, could have been agreed upon, which would harmonize and quiet the country, and reunite those who agree in principle and in political action on this great question, so as to take it out of Congress. I am not able, in the bill which is now under consideration, to find that the principle for which I have contended is fairly carried out. The position, and the sole position, upon which I have stood in this whole controversy, has been that the people of Kansas, and of each other Territory, in forming a constitution for admission into the Union as a State, should be left perfectly free to form and mould their domestic institutions and organic act in their own way, without coercion on the one side, or any improper or undue influence on the other.

The question now arises, is there such a submission of the Lecompton constitution as brings it fairly within that principle? In terms, the constitution is not submitted at all; but yet we are told that it amounts to a submission, because there is a land grant attached to it, and they are permitted to vote for the land grant, or against it; and, if they accept the land grant, then they are required to take the constitution with it; and, if they reject the land grant, it shall be held and deemed a decision against coming into the Union under the Lecompton constitution. Hence it will be argued in one portion of the Union that this is a submission of the constitution, and in another portion that it is not. We are to be told that submission is popular sovereignty in one section, and submission in another section is not popular sovereignty.

Sir, I had hoped that when we came finally to adjust this question, we should have been able to employ language so clear, so unequivocal, that there would have been no room for doubt as to what was meant, and what the line of policy was to be in the future. Are these people left free to take or reject the Lecompton constitution? If they accept the land grant, they are compelled to take it. If they reject the land grant, they are out of the Union. Sir, I have

no special objection to the land grant as it is. I think it is a fair one, and if they had put this further addition, that if they refused to come in under the Lecompton constitution with the land grant, they might proceed to form a new constitution, and that they should then have the same amount of lands, there would have been no bounty held out for coming in under the Lecompton constitution; but when the law gives them the six million acres in the event they take this constitution, and does not indicate what they are to have in the event they reject it, and wait until they can form another, I submit the question whether there is not an inducement, a bounty held out to influence these people to vote for the Lecompton constitution?

It may be said that when they attain the ninety-three thousand population, or the population required by the then ratio—which may be one hundred and twenty thousand—and form a constitution under it, we shall give them the same amount of land that is now given by this grant. That may be so, and may not. I believe it will be so; and yet in the House bill, for which this is a substitute, the provision was that they should have this same amount of land, whether they came in under the Lecompton constitution, or whether they formed a new constitution. There was no doubt, no uncertainty left in regard to what were to be their rights under the land grant, whether they took the one constitution or the other. Hence that proposition was a fair submission, without any penalties on the one side, or any bounty, or special favor, or privilege on the other to influence their action. In this view of the case, I am not able to arrive at the conclusion that this is a fair submission, either of the question of the constitution itself, or of admission into the Union under the constitution and the proposition submitted by this bill.

Again, sir, there is a further contingency. In the event that they reject this constitution, they are to stay out of the Union until they shall attain the requisite population for a member of Congress, according to the then ratio of representation in the other House. I have no objection to making it a general rule that Territories shall be kept out until they have the requisite population. I have proposed it over and over again. I am willing to agree to it and make it applicable to Kansas if you will make it a general rule. But, sir, it is one thing to adopt that rule as a general rule and adhere to it in all cases, and it is a very different, and a very distinct thing, to provide that if they will take this constitution, which the people have shown that they abhor, they may come in with forty thousand people, but if they do not, they shall stay out until they get ninety thousand; thus discriminating between the different character of institutions that may be formed. I submit the question whether it is not Congressional intervention, when you provide that a Territory may come in with one kind of constitution with forty thousand, and with a different kind of constitution, not until she gets ninety thousand, or one hundred and twenty thousand? It is intervention with inducements to control the result. It is intervention with a bounty on the one side and a penalty on the other. I ask, are we prepared to construe the great principle of popular sovereignty in such a manner as will recognize the right of Congress to intervene and control the decision that the people may make on the question.

The great principle for which we have all contended, in the language of the Kansas-Nebraska act, is to leave "the people perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." If you hold out large grants, and pecuniary inducements, to influence the affirmative vote, and the terror of staying out of the Union to influence the negative vote, I submit the question, whether that people are left perfectly free to form and regulate their institutions? I insist that where there are inducements on one side, and penalties on the other, there is no freedom of election. The election must be free. The electors must be left unbiased by the action of the government, if you are going to have fair elections, and a fair decision.

For these reasons I do not think that this bill brings the question within that principle which I have held dear, and in defense of which I have stood here for the last five months, battling against the large majority of my political friends, and in defense of which I intend to stand as long as I have any association or connection with the politics of the country. I must repeat, sir, that I

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“5. *Resolved*, That in the organization of States, the people have a right to decide at the polls upon the character of their fundamental law, and that the experience of the past year has conclusively demonstrated the wisdom and propriety of the principle, that the fundamental law, under which the Territory seeks admission into the Union, should be submitted to the people of such Territory for their ratification or rejection at a fair election to be held for that purpose; and that, before such Territory is admitted as a State, such fundamental law should receive a majority of the legal votes cast at such election; and they deny the right, and condemn the attempt, of any convention, called for the purpose of framing a constitution, to impose the instrument formed by them upon the people against their known will.”

"6. *Resolved*, That a fair application of these principles requires that the Lecompton constitution should be submitted to a direct vote of the actual inhabitants of Kansas, so that they may vote for or against that instrument, before Kansas shall be declared one of the States of this Union; and until it shall be ratified by the people of Kansas at a fair election held for that purpose, the Illinois Democracy are unalterably opposed to the admission of Kansas under that constitution.

"7. *Resolved*, That we heartily approve and sustain the manly, firm, patriotic, and Democratic position of S. A. DOUGLAS, ISAAC N. MORRIS, THOMAS L. HARRIS, AARON SHAW, ROBERT SMITH, and SAMUEL S. MARSHALL, the Democratic delegation of Illinois in Congress, upon the question of the admission of Kansas under the Lecompton constitution; and that, by their firm and uncompromising devotion to Democratic principles, and to the cause of justice, right, truth, and the people, they have deserved our admiration, increased, if possible, our confidence in their integrity and patriotism, and merited our warm approbation, our sincere and hearty thanks, and shall receive our earnest support.

"8. *Resolved*, That in all things wherein the national Administration sustain and carry out the principles of the Democratic party as expressed in the Cincinnati platform, and affirmed in these resolutions, it is entitled to, and will receive, our hearty support."

There the Democracy of Illinois, assembled in convention under the circumstances which I have stated, have, by a unanimous voice, declared that this constitution must be submitted to a direct vote of the people on its ratification or rejection, and that Kansas must never come in under it unless, on such a direct vote, at a fair election, the people shall decide in favor of admission under it. Under these circumstances, it will be seen that I stand now, as I have stood during the whole session, with the Democracy of my own State, firmly, immovably, in favor of that great principle of popular sovereignty, which leaves the people perfectly free either to take the Lecompton constitution, or to have such other one as they may choose to make.

I have had appeals made to me from political friends, whom I respect and esteem, imploring me to yield this great principle on this question, in consideration of so many concessions being made on the other side. Some of that glorious band of Democrats who have been acting with me on this question during the session, have felt it their duty thus to yield, believing, as they think, that they have secured a substantial triumph in this great contest. Sir, I desire no personal triumph. I have not stood here for five months in conflict with men with whom I have acted a whole lifetime, struggling for a personal triumph. Hence, because they have made concessions, that fact ought not to change my course, unless those concessions are of such a nature as to give me the principles for which I contend.

If the object was to prove that the Lecompton men had backed down, and abandoned their original ground, I could parade the fact that, at the opening of this session, we were told that Kansas must come in under the Lecompton constitution unconditionally, or else that four States would secede from the Union. It was then to be an unconditional admission. After a while, upon reflection, upon investigation, the conclusion was arrived at that it was wise to put a clause in the bill in some way recognizing the right of the people of that State to change their constitution before 1864, although, according to my construction of its terms, it prohibited any change until that period. Here was a concession made, a great concession, a concession which I never could have made, on whichever side of the question I may have been, for the reason that I do not believe that Congress have any right to alter or construe authoritatively a State constitution.

It was not satisfactory to me to have Congress, in pursuance of the recommendation of the President, intervene and recognize, by any implication, the right of the people to change their State constitution in a manner different from that prescribed in the instrument itself. I deny the right of Congress to exercise any such power. I deny the right of Congress to intervene and authoritatively construe the constitution of a State. If the constitution was their act and deed; if it embodied their will—it was sacred, and it ought not to be touched by Congress in any respect whatever, except to receive it uncondition-

ally, or reject it unconditionally. That concession was made; but still it did not reach the point which I had felt it my duty to make. It did not come to my principle. I do not claim that Senators are under any more obligation to come to me than I am to go to them. I claim the right to determine for myself, according to my own judgment and my own conscience, what my duty is to a great fundamental principle; and if Senators cannot bring the bill within the principle, I must exercise my right and duty of dissenting from it. I did not think that concession brought it within the principle, or obviated any of my objections. It only made the bill more obnoxious to me by violating another principle equally sacred in our political system—that of the sovereignty of the States.

Next came the declaration that the free-State Legislature was elected; and hence, if Kansas was forced into the Union with a pro-slavery constitution, against the will of her people, it would not last long, for the reason that there was a free-State Legislature, who would immediately take steps to change it and abolish slavery. That argument did not address itself favorably to my judgment, for the reason that it did not affect the principle involved. What difference did it make, so far as the principle was concerned, whether there was a majority of free-State men or a majority of pro-slavery men in that Legislature? What difference did it make to me, whether there was a majority of Democrats, or a majority of Republicans, or a majority of Americans in that Legislature, provided they were fairly and honestly elected? If the people of Kansas desired a pro-slavery Legislature, they had a right to it. If they desired a Republican Legislature, they had a right to it. If they desired an American Legislature, they had a right to it. If they desired a Legislature purely Democratic, elected without reference to the question of slavery, it was their right to select such a one; and, sir, it was the duty of Mr. Calhoun to declare those elected who had received a majority of the legal votes, fairly and honestly returned. The declaration of that result could not change the principle involved in this discussion, for the great principle was, shall that people be left perfectly and entirely free to form and regulate their own institutions in their own way?

These various concessions could not control votes enough to carry the bill. What next? Then comes a disagreement between the two Houses of Congress. The Senate insisting upon the bill which it had passed for the admission of Lecompton unconditionally, except what is called the Pugh-Green amendment; and the House insisting on the bill which it had passed as a substitute, known as the Crittenden-Montgomery bill. This committee of conference provide for a question of submission to the people, but what do they submit? The chairman of that committee of conference, the Senator from Missouri, [Mr. GREEN,] has informed you that the constitution is not submitted; the Senator from Virginia, [Mr. HUNTER,] who was his colleague on the committee, has informed you that the constitution is not submitted; and I believe both of them have added that they would not vote for the bill if the constitution was submitted. I understand that similar declarations have been made in the other House of Congress by the members of the committee of conference there, showing that this was their understanding and their construction of the bill.

Then, if the constitution is not submitted; if the people are not allowed to vote for it or against it, freely, without a bounty on the one side or a penalty on the other, how can it be said that it comes within that great principle of popular sovereignty which, I insist, ought to be carried out in all the Territories? It is no answer to this objection to tell me that because men have conceded so much, I ought to concede. No matter how many and how great their concessions are, if they have not conceded the principle for which I contend, I cannot take what they propose. It is not for me to say whether these concessions are right or wrong, whether they are wise or unwise. It is enough for me that the principle for which I insist has not been clearly and distinctly recognized in this bill. I dislike the indirection by which the submission is proposed to be made—made to depend on a land grant. In order to enable the people of Kansas to reject the Lecompton constitution, you compel them to vote against a land grant, which every man, woman, and child in the Territory would desire to have. You will not allow them to take the land grant unless they take the

constitution with it, and you will not allow them to proceed immediately and make a new constitution, with the same population, and have the same land grant, if they reject this. If you did that, then the principle would be fairly carried out; but unless you do allow that to be done, I insist that the principle is violated.

Now, Mr. President, I can say to you very frankly, that if there were two amendments made to this bill, although it would still be somewhat objectionable in its equivocal features, I could and would take great pleasure in giving it my support. One would be to strike out the land grant altogether, and the other to strike out the limitation as to population. Then the simple question presented to the people would be, will you come in under the Lecompton constitution or not? and if you do not, you may proceed immediately, with the same population, to make a new constitution. In that there would be perfect fairness; there would be no Congressional intervention with its inducements to control the results. Or, if you wanted to leave the land grant in, why not make it applicable to the new constitution as well as the old one, as the Crittenden amendment did? Then they would get the same amount of land under the one as the other. In other words, if you wish to make this proposition fair, you must give Kansas the same land, under any new constitution she may form, as you do under this one, and you must allow her to come in with the same population under the one as under the other constitution. Then there would be fairness, then there would be equality.

I appeal to my friend from Virginia to know whether he, as a Southern man, desires to see the principle of Congressional intervention to control and influence the voting of the people carried out hereafter in the admission of new States? The time may come when the ease will be reversed. The time may come when there will be an anti-slavery majority in both Houses of Congress. When that time comes, it may so happen that a bill may be brought forward with a land grant of ten million acres for a free State, and five million for a slave State; or allowing a free State to come in with a population of forty thousand, and providing that a slave State shall not come in without ninety thousand. Would our Southern friends regard that as being a fair interpretation of the principle of popular sovereignty? Would they not say that was the most dangerous and unconstitutional system of intervention that was ever devised, when the Federal Government steps into the Territories, and by its bounties on one side, and its penalties on the other, attempts to influence and control the action of the people?

I do not regard this as a matter of much consequence to Kansas; I do not believe there is enough in this bounty, or enough in this penalty, to exercise any material influence upon the people of Kansas in this election; but it involves the great fundamental principle, it involves the principle of freedom of election, and it involves the great principle of self-government, upon which our institutions rest. With all the anxiety that I have had to be able to arrive at a conclusion in harmony with the overwhelming majority of my political friends in Congress, I could not bring my judgment or conscience to the conclusion that this was a fair, impartial, and equal application of the principle.

There is another objection to this proposition, one that looks badly upon its face. I take it for granted that it was intended to be fair and just; but it gives cause for apprehension, and will generate suspicion among the people that the election under it will not be, and cannot be, fair. I allude to the provision as to the board of commissioners. By the bill framed by the eminent Senator from Kentucky, and passed by the House of Representatives, there was to be a board of four commissioners to superintend the election on the constitution; two representing the people of the Territory, being the presiding officers of the two branches of the Legislature; the other two representing the Federal Government, being the Governor and Secretary, appointed by the President and the Senate. In that way, two commissioners would necessarily be of one class of politics, and the other two of another class of politics. Under that state of the case, it is not probable that unfairness would have been perpetrated in the election. Under that board, as prescribed by the Senator from Kentucky, you would have the assurance, from the very law itself, that one-half of the judges

of election would belong to one party, and one half to the other; that one half of the clerks would belong to one, and one half to the other.

But how is it when you add a fifth member to the board, and provide that the board shall consist of five, the two presiding officers of the Legislature, and then the Governor, Secretary, and the district attorney, making three United States officers, and declare that three shall constitute the board? Is it not clear that if these three gentlemen choose, they can have all the judges of election and all the clerks of election and all the returning officers of one class of political faith, the same as Mr. Calhoun did at the elections which took place on the 21st of December and the first Monday of January? Does not the change in this respect give ground for apprehension that you may have the Oxford, the Shawnee, and the Delaware Crossing and Kickapoo frauds reenacted at this election? I should have been better satisfied if it had been left as the House bill left it, with the four commissioners, two from each political party in Kansas, two representing the Federal Government, two representing the people of the Territory, requiring three to be a quorum, thus rendering it impossible for partisan politics to control the action of the board. The very fact that it was deemed necessary or wise to change this feature, is to me a serious objection to this proposition.

Then, sir, what is my duty upon this question, under this state of the case? I have but one line of duty, and that is to vote against the bill; because, in my opinion, there is not a fair submission to the people under such circumstances as to insure an unbiased election and fair returns. I have indicated two amendments, which, if they had been made, would have enabled me to support this bill, notwithstanding other defects in it. I will indicate another. I am willing to subscribe to the principle that a Territory shall contain the requisite population for a member of Congress before admission, provided it is made a general law. The Senator from Ohio [Mr. Pugh] yesterday cited me as authority for that provision of this bill. He referred to my report, as chairman of the Committee on Territories, and the bill accompanying it, in 1856, in which I then provided that Kansas might proceed to form a constitution when she had the requisite population, to wit: ninety-three thousand four hundred and twenty, under the present ratio. That was my judgment then of the true rule upon the subject. He quotes also a proposition that I have brought in at this very session as a substitute for the Arizona bill, providing a general law that no Territory shall ever form a constitution and State government until it has the requisite population for a member of Congress. I am for that proposition now; and if Senators will consent to any arrangement by which you can strike out the whole of this bill, and, in lieu of it, insert a provision that neither Kansas, nor any other Territory of the United States, shall proceed to form a constitution and State government for admission into the Union until it has the requisite population for a member of Congress, according to the existing Federal ratio, I will give it my support.

But, sir, if I require it in Kansas, I wish to require it in other Territories; and if I am to apply that limitation to the new constitution that is to be made, I wish to apply it to the one that is in existence. I am not willing to prescribe one ratio to one kind of constitution, and another ratio to another kind. Make it uniform, and it can have my support. I have on all proper occasions indicated that as the proper rule—in 1856, as the Senator from Ohio proved; at this session again, as he proved yesterday by reading the bill offered by me; and I repeat now that, if you will strike out all of this bill but the clause that Kansas shall not come in until she has the requisite population for a member of Congress, and then say that this section is incorporated into and made part of the organic law of each of the Territories of the United States, and that none shall come for admission until they have that population, I will give it my support.

In other words, Mr. President, I desire to carry out the principle of leaving the people to decide for themselves in perfect fairness. I will support no rule applicable to the North that does not apply to the South. I will make no rule applicable to the South that I am not willing to apply to the North. I will not intervene either for slave constitutions or against slave constitutions by an act of Congress, holding out bounties on the one side or penalties on the other.

Stand on the great principle of equality; leave each State on an exact footing with every other State; never inquire whether her institutions are of this character or that character; never inquire whether the State is in the North or in the South, and I will stand with you and apply the rule with exact justice and impartiality in every instance.

Mr. President, I say now, as I am about to take leave of this subject, that I never can consent to violate that great principle of State equality, of State sovereignty, of popular sovereignty, by any discrimination, either in the one direction or in the other. My position is taken. I know not what its consequences will be personally to me. I will not inquire what those consequences may be. If I cannot remain in public life, holding firmly, immovably, to the great principle of self-government and State equality, I shall go into private life, where I can preserve the respect of my own conscience under the conviction that I have done my duty and followed the principle wherever its logical consequences carried me.

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